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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,499	09/14/2000	Rachel K. E. Bellamy	YOR9-2000-0332US1	2266

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EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2155

DATE MAILED: 09/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/662,499	BELLAMY ET AL.	
	Examiner	Art Unit	
	Khanh Dinh	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz US pat. No.6,460,036. As to claim 1, Herz discloses a method for representing a user within an online environment comprising the steps of:

defining a plurality of environmental parameters (target objects and attributes of users) for controlling user interaction and defining a plurality of user representation parameters of user data within the environment (see abstract, fig.1, col.17 line 10 to col.18 line 48, col.28 line 59 to col.29 line 53).

capturing user data from the user, building an abstract graphical display of the environment (users' interests including virtual communities, see col.74 lines 12-65) and building a user representation within the abstract graphical display incorporating the user data (see col.31 line 35 to col.32 line 67 and col.43 line 19 to col.44 line 60).

As to claims 2 and 3, Herz discloses determining an environmental structure and governing user interaction within the environment according to the user parameters and the environmental structure which includes a queue of users, a chat room, a conference room, a news group, an online help desk, and a business interface (see figs.12, 13A, 13B, col.45 line 51 to col.46 line 60 and col.col.60 line 15 to col.61 line 64).

As to claims 4 and 5, Herz discloses defining the user representation based on a user profile and the user data is captured from a user's device registered with a social proxy providing service (using proxy server, see col.34 line 34 to col.35 line 41 and col.43 line 19 to col.44 line 59).

As to claims 6 and 7, Herz discloses that the user data is captured from a user's activity within the online environment and updated periodically (see col.59 line 9 to col.60 line 43 and col.76 line 58 to col.77 line 51).

As to claims 8 and 9, Herz discloses that the user navigates the abstract graphical display by selecting an object to reveal information about the object and the object is an element represented in the abstract graphical display comprising associated data (see col.45 line 60 to col.46 line 65 and col.50 lines 7-61).

As to claims 10 and 11, Herz discloses the information is one of a hierarchical relationship, content of a compound data object, a zoomed view, and user information and defining the social proxy for a virtual environment and facilitating user interaction; defining a user proxy for a user, the user proxy having updatable variables and displaying the user proxy within abstract graphical display of the social proxy; and updating user proxy variables periodically (see figs.12, 15, col.59 line 9 to col.60 line 43 and col.76 line 58 to col.77 line 51).

As to claims 12 and 13, Herz discloses the social proxy is defined by a provider, a proxy for a provider and displaying the provider within the social proxy (see col.74 line 12 to col.75 line 55 and col.78 line 10 to col.79 line 43).

As to claims 14 and 15, Herz discloses that the provider is the user and displaying a link to a second social proxy (see col.62 line 47 to col.63 line 67 and col.65 line 9 to col.66 line 64).

As to claims 16 and 17, Herz discloses that the social proxy is one of a plurality of social proxies within a hierarchical system of proxies and used interactively by the user with an application, the application is an extension of the social proxy (see col.31 line 35 to col.32 line 61 and col.34 line 34 to col.35 line 41).

As to claim 18, Herz discloses limiting data displayed based on a user's access credentials (see col.46 line 37 to col.47 line 67 and col.57 line 6 to col.58 line 54).

As to claim 19, Herz discloses a computer-based medium having stored programs readable by a computer for causing the computer to execute method steps for facilitating the presentation of an environment in graphical

form comprising a processor for receiving information from a plurality of users (see abstract, fig.1, col.17 line 10 to col.18 line 48, col.28 line 59 to col.29 line 53) and presenting said information in a graphical form to the plurality of users, wherein the plurality of users communicate user data to the processor for incorporation in the graphical environment as user proxies (see col.31 line 35 to col.32 line 67 and col.43 line 19 to col.44 line 60).

As to claim 20, Herz discloses that the environment can be one of a physical environment, a virtual environment, and a combined physical and virtual environment (see col.74 line 10 to col.75 line 55 and col.76 line 58 to col.77 line 51).

*Other prior art cited*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Herz et al., US pat. No.5,754,939.
  - b. Brandt et al., US pat. No.6,377,993.
  - c. May, US pat. No.6,421,653.
  - d. Combar et al., US pat. No.6,515,968.
  - e. Baker et al., US pat. No.6,611,498.

*Conclusion*

5. Claims 1-20 are rejected.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone number for this group is (703) 746-7239.

*A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to response within the period for response will cause the application to become abandoned (35 U. S C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh  
Patent Examiner  
Art Unit 2155  
9/6/2003

*Alam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER